



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
07/957,598	10/06/92	WOOLFORD	3616-69-US-0

35M1/1206
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ST. PAUL, MN 55101-2701

KENT, C

EXAMINER

3504

PAPER NUMBER

12/06/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 10/06/93 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), — days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input checked="" type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-24 are pending in the application.
Of the above, claims 4, 5, and 17-24 are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-3, 6-16 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawing are ☐ acceptable; ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Serial Number: 07/957598

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Art Unit: 3504

The following office action is in response to patent examination application SN 07/957598 filed on 10/06/92.

Examiner acknowledges the receipt of the response entered 10/04/93.

RESPONSE TO ELECTION WITH TRAVERSE

Applicant's election with traverse of claims 1-16 directed toward a composite masonry block and a retaining wall is acknowledged. The traversal is on the grounds that Applicant does not agree with the rationale underlying the restriction requirement. This is not found persuasive because Applicant has failed to discuss the reasons for his disagreement with the rationale. Further, Applicant elected with traverse the species of Figure 1, claims 1-3 and 6-16. This traversal is on the grounds that the Examiner provided no rationale for the species restriction. In fact, no written rationale is required for a species restriction.

The requirement is still deemed to be proper and is therefore made **FINAL**.

Claims 1-3 and 6-16 are pending on the merits.

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Art Unit: 3504

SPECIFICATION - 35 U. S. C. 112 OBJECTIONS FIRST PARAGRAPH

The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention. The claimed matrix comprising "tie backs positioned between the blocks", and the angled insets providing a wall set back at an angle other than vertical is not described in the specification nor shown in the figures.

CLAIMS - 35 U.S.C. 112 REJECTIONS FIRST PARAGRAPH

Claims 8, 9, 13, 14 and 16 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

STATEMENT OF STATUTORY BASIS - 35 U. S. C. 103

Art Unit: 3504

The following is a quotation of 35 U.S.C. § 103 that provides the basis for rejection citing obviousness as set forth in this Office Action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

CLAIMS - 35 U. S. C. 103 REJECTIONS

Claims 1-3, 6-7, 10-12 and 15 are rejected under 35 U.S.C. § 103 as being unpatentable over Forsberg '876 in view of Italy 709,599. Forsberg '876 teaches a composite masonry block having top and bottom surfaces adjoined by first and second side surfaces and front and back surfaces, wherein said block back surface comprises first and second legs extending beyond the first and second surface planes respectively, and pins protruding from said top surface adapted to fit within recesses on said bottom surface of an adjacent overlying block thereby providing

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and engagement means between blocks. Forsberg '876 lacks inset on said side surfaces spanning from said top surface to said bottom surface. Italy '599 teaches a block having a pair of protrusions (4) located on a top surface adjacent insets (8) located on side surfaces providing an engagement means between one of said blocks and an adjacent overlying block of similar construction. For providing a more efficient and economical engagement means, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to substitute the protrusion and inset engagement means of Italy '599 for the pin and recess engagement means of Forsberg '876.

Regarding claim 2, Forsberg '876 teaches a block having an open central portion.

Regarding claim 3, Forsberg '876 teaches a curved front surface. Forsberg '876 lacks a planar front surface. Blocks having various decorative front surfaces (including planar, curved and faceted) are well known in the art. For aesthetic purposes, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the block of Forsberg '876 with a planar front surface.

Regarding claim 6, Italy '599 teaches a two protrusions (4) shaped to seat within said insets (8) on adjacent blocks.

Regarding claim 7, Italy '599 teaches said protrusions adjacent said insets.

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Regarding claim 10, see rejection of claim 1 and Forsberg '876 Fig. 1.

Regarding claim 11, see forsberg '876 Fig. 1.

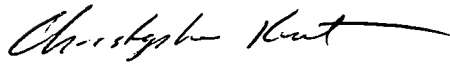
Regarding claim 12, Forsberg '876 teaches a matrix (353) positioned between courses.


Regarding claim 15, Forsberg '876 teaches a substantially vertical wall.

REFERENCES

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Janopaul, Jr. teaches a set back wall.

Any inquiry concerning this communication should be directed to Christopher Kent at (703) 308-2497.


Christopher Kent
November 30, 1993


CARL D. FRIEDMAN
SUPERVISORY PATENT EXAMINER
GROUP 3500



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY DOCKET NO./TITLE

957598

DATE MAILED:

NOTICE OF INFORMAL APPLICATION

(Attachment to Office Action)

This application does not conform with the rules governing applications for the reason(s) checked below. The period within which to correct these requirements and avoid abandonment is set in the accompanying Office action.

A. A new oath or declaration, identifying this application by the application number and filing date is required. The oath or declaration does not comply with 37 CFR 1.63 in that it:

1. ☐ does not identify the city and state or foreign country of residence of each inventor.
2. ☐ does not identify the citizenship of each inventor.
3. ☐ does not state whether the inventor is a sole or joint inventor.
4. ☐ does not state that the person making the oath or declaration:
 - a. ☐ has reviewed and understands the contents of the specification, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. ☐ believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.
 - c. ☐ acknowledges the duty to disclose information which is material to the examination of the application in accordance with 37 CFR 1.56(a).
5. ☐ does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.
6. ☐ does not state that the person making the oath or declaration acknowledges the duty to disclose material information as defined in 37 CFR 1.56(a) which occurred between the filing date of the prior application and filing date of the continuation-in-part application which discloses and claims subject matter in addition to that disclosed in the prior application (37 CFR 1.63(d)).
7. ☐ does not include the date of execution.
8. ☐ does not use permanent ink, or its equivalent in quality, as required under 37 CFR 1.52(a).
9. ☐ contains non-initialed alterations (See 37 CFR 1.52(c)).

10 ☒ Other: Claim 24 Depending on a claim that doesn't exist. (26)

B. Applicant is required to provide:

1. ☐ A statement signed by applicant giving his or her complete name. A full name must include at least one given name without abbreviation as required by 37 CFR 1.41(a).
2. ☐ Proof of authority of the legal representative under 37 CFR 1.44.
3. ☐ An abstract in compliance with 37 CFR 1.72(b).
4. ☐ A statement signed by applicant giving his or her complete post office address (37 CFR 1.33(a)).
5. ☐ A copy of the specification written, typed, or printed in permanent ink, or its equivalent in quality as required by 37 CFR 1.52(a).
6. ☐ Other: